IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 9166 of 2007(N)

PETITIONERS:

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1. S.PADMANABHAN PILLAI, PRESIDENT,
   TRIVANDRUM CITY CORPORATION CONTINGENCY
   EMPLOYEES CREDIT CO-OPERATIVE SOCIETY
   LTD NO.T.902, PUNNAPURAM, TRIVANDRUM-24.

2. TRIVANDRUM CITY CORPORATION CONTINGENCY
   EMPLOYEES CREDIT CO-OPERATIVE SOCIETY
   LTD NO.T.902, PUNNAPURAM, TRIVANDRUM-24,
   REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

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1. THE DEPUTY TAHSILDAR(RR),
   TRIVANDRUM.

2. D.LALITHAMBIKA, SOBHANA MANDIRAM
   SANNAGHAR, VENKODE P.O., VATTAPPARA,
   TRIVANDRUM.

BY ADV. SRI.K.B.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.9166 OF 2007

EXT.P1: COPY OF THE DEMAND NOTICE NO.794/2007/LABOUR DUES DT. 9.2.2007.

EXT.P2: COPY OF THE DEMAND NOTICE NO.M2/794/2007/LABOUR DUES. DT. 9.2.2007.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No.9166 OF 2007

Dated this the 4th day of October, 2007

JUDGMENT

This writ petition is filed against the revenue recovery proceedings for recovering the amounts due to the 2nd respondent as per orders of the Labour Court in a petition under Section 33C(2) of the Industrial Disputes Act. On 19.3.07 this Court passed the following order.

> "Notice.
>
> Interim stay for six months on condition that petitioner remits at the rate of Rs.30,000/- (Rupees thirty thousand only) per month payable on or before the 15th of every month commencing from April, 2007. If there is default in remitting any of the instalments as aforesaid, this order shall stand recalled automatically"

Thereafter, a further order was passed on 1.6.07 as follows:

> "The petitioner will hereafter make payment in terms of order dt.19.3.07 through D.D. Payable to 2nd respondent. There will be interim direction to first respondent to release the amount deposited by the petitioner to the 2nd

respondent on production of copy of this order by 2nd respondent, within ten days from now.

2. The petitioner submits that a total amount of Rs.1,80,000/- (Rupees one lakh eighty thousand only) has already been deposited. It is now admitted that an amount of Rs.1,20,000/- (Rupees one lakh twenty thousand only) has been paid directly to the 2nd respondent by D.D. and an amount of Rs.60,000/- (Rupees Sixty thousand only) has been deposited in the treasury. The petitioner undertakes to pay the balance amount due in four equal monthly instalments.

3. However, the learned counsel for the petitioner submits that the petitioner may be spared of the cumbersome process of getting the money from the treasury.

4. In the above circumstances, the writ petition is disposed of with the following directions.

The petitioner shall pay the balance amount due, including Rs.60,000/- deposited in the treasury in four equal monthly instalments starting from 15.10.2007 to the 2nd respondent. Every subsequent instalment shall be paid directly to the 2nd respondent by D.D. The petitioner may approach

the treasury for refund of Rs.60,000/- deposited. On production of a copy of this judgment, the said amount shall be refunded to the petitioner after complying with the procedural formalities. If the petitioner pays the instalments promptly, further revenue recovery proceedings shall be kept in abeyance. However, if the petitioner fails to pay any one of the instalments, it would be open to the 2nd respondent to file a petition before the 1st respondent for continuation of the recovery proceedings, on receipt of which the 1st respondent shall take appropriate coercive action for recovery of the same. In such an event, the 1st respondent shall recover the amount within one month from the date of receipt of the petition from the 2nd respondent.

S. SIRI JAGAN, JUDGE

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